

AML ADVISORY COMMITTEE
Minutes
Semi-Annual Meeting
September 3, 2003

A regular meeting of the AML Advisory Committee was called to order at the Powell River Project, near Norton, Virginia, at 3:00 p.m. pursuant to the notice sent to all committee members.

The following members and visitors were present: Ian Dye, Office of Surface Mining; Phil Shelton, UVA College at Wise; Brian Ganoe, Natural Resources Conservation Service; Eddie Hannah, Lonesome Pine Soil and Water; Toby Edwards, Tennessee Valley Authority; Glenn Graham, Retiree NRCS; Roger Williams and Richard Davis, Department of Mines, Minerals and Energy

Members absent: Jerry Baird, Alpha Natural Resources; Gerald Ramsey, Consolidation Coal Company; James Burger, Department of Forestry, Bob Penn, Office of Surface Mining, and C. B. Slemp, Citizen

Eddie Hannah presided during Chairman Jerry Baird's absence. Roger Williams recorded the proceedings of the meeting and Donna McFaddin transcribed the minutes. Minutes of the April 16, 2003, meeting were reviewed and approved.

AML Emergency Projects

Due to the extremely wet weather, DMME/AML have set records for the number of emergencies handled during the last two years. In the 2002 grant, DMME initially asked for \$1 million. We've now had to ask for additional funding, which increased the amount to \$2.4 million (and even that is not enough). DMME received permission to extend the 2002 grant due to declaring 24 emergencies in that grant. Some of those emergencies are still moving through the system to construction. DMME received \$1 million in the 2003 grant on April 1, 2003, and has already declared six (6) new emergencies in that grant. We recently requested an additional \$1.5 million in emergency money in the 2003 grant. DMME has never before had a two-year period with the numbers and types of serious problems (major landslides involving houses, state roads, mine subsidence, etc.). Regular projects are running behind because of the emergency workload.

AML Extension Program

At the present, there is very little to report and no one seems to have any information on the status of the proposed extension. Virginia spearheaded with the IMCC and AML Association in an effort to draft legislation that, hopefully, someone in Congress would sponsor. Virginia tried to meet with all of the western and mid-western states in the AML Association to craft a compromise bill that all could live with and, hopefully, have a consensus when it went to Congress. We were able to achieve that and the Association President, Mr. Murray Balk, along with the IMCC Director, Mr. Greg Conrad, presented our draft language in the testimony to Congress on July 24, 2003. Basically the legislation crafted had five major components:

1. Recommendation of a 12-year extension to 2016. This is a reasonable amount of time to complete the remaining Priority 1 and 2s of most states.
2. Addressed how money is received each year. The big problem is that we've never been able to initially tap into all the money. Our recommendation is to take the trust fund off budget.
3. Elimination of the RAMP Program. A large balance of money remains in the RAMP fund that has never been distributed. It is proposed to take the money that's been earning interest and put it in the historic coal production category and make it available for Priority 1 & 2s, which would primarily be for the East, and would increase the state's grants. Since Congress is not appropriating the RAMP money, we suggested freeing up the money and giving it back to the states.
4. Minimal Program States want their \$2 million minimum. With the budget cut, minimal program states have been at \$1.5 million for the last five to ten years. Some of the minimal program states have reached the point that they're willing to give up the program. Missouri recently gave up their primacy program and their minimal program money. They allowed OSM take over the program. There may be more of those states because there is not enough money to run an effective program. We called for fully funding the minimum program states at the level provided by law, \$2 million. There's also a provision to allow states to spend more money on water projects. There was a lot of public concern about water projects and we felt that some states may want to increase funding for water line construction.

5. What to do with the money at the end of the AML program, 2016. At the present, there aren't any specifics on what happens to the money, if there's money left and not needed to address shortfalls in the United Mine Workers' Combined Benefit Fund. We propose the taking of any residual money, and that could be substantial, and put it into states that still have remaining Priority 1 & 2s, and continue to fund those states until that money is exhausted. Virginia will be one of those states.

Remining and Abandoned Mine Land Initiatives

Richard Davis gave a PowerPoint presentation entitled "Remining and Abandoned Mine Land Initiatives". Mr. Davis discussed concerns about the Powell and Clinch Rivers regarding the incredible bio-diversity in these two river systems. The Nature Conservancy (TNC) rates the Clinch River as No. 1 and Powell River as the No. 3 hot spots in the county for at-risk species. Black Creek is on the state's 303(d) list as impaired waters, so it is by definition, adversely impacting water quality in the Powell River. DMME has contracted to prepare and conduct TMDL on Black Creek. At present, this is awaiting EPA approval. One of the implementation strategies we've suggested in TMDL, is remining. With remining, we get reclamation of Priority 3 lands and sometimes Priority 1 & 2 features. This reclamation is performed at no cost to state agencies.

AMD Abatement - In the late 1990s, DMME contracted with Dr. Don Cherry from VPI to conduct AMD reconnaissance and characterization of the Black Creek Watershed. All AMD points in the watershed were put on GPS. Also, he performed a benthic analysis of aquatic organisms. The conclusion was that AMD had left a dead watershed in Black Creek. The reason for the impairment is resource extraction (abandoned mine land), sedimentation, and AMD in this case. Remining that has been conducted in the Black Creek watershed has reduced or eliminated many of the AMD discharges. DMME enhanced spillways for wetlands as part of an AML project in the watershed. The idea was to permanently trap the iron-laden sediment through enlarging and enhancing the two existing wetlands. The latest biological sampling downstream of our lower wetland shows recovery in the benthic organisms in Black Creek.

Partnerships – DMME has a new AML enhancement project underway and interest in AML no-cost agreements is growing. DMME is continuing to cooperate with 501(c)3 non-profits to get money from OSM for AMD abatement. We are looking for more watershed partnerships, especially for Priority 3 reclamation. One item on the horizon with tremendous ability to increase AML reclamation is government-financed construction on the Coalfields Expressway. DMME was approached by the Brown and Root people because of the impacts on streams with culverts, which they have an estimated 20 miles of stream culverts. We proposed to them to do mitigation on old AML lands, so we can offset some of the damage that will be done. We think there's an opportunity to get a substantial amount of money for Priority 3 lands. We also have the possibility for Brownfields, Watershed Cooperative Agreements, No Cost Agreements with contractors, and another innovation is in lieu fees.

DMME is continuing to partner with the Army Corps of Engineers, Lenowisco, and Lee County on the North Fork Powell River ecosystem restoration project. Construction started a little over one year ago. It is the first project within the ecosystem restoration. To date, DMME has put approximately \$2.9 million into the ecosystem restoration project. That consists of part construction, land acquisitions, planning and reconnaissance money. DMME contributed their EPA 319 money, Appalachian Clean Stream Initiative money from OSM, 10 percent AMD set-aside money from OSM, and Toby Edwards and Shannon O'Quinn helped this summer in securing \$100,000 from TVA.

Performance Measures - DMME used new performance measures in their 2003-2004 Operational Planning. These measures will better track what we do and our impact on the residents of the coalfields. The measures will also track the new OSM performance measures, so we can directly report our work to OSM and OSM can report to Congress.

NRCS Update

Brian Ganoe reported that the program is still in place but hasn't been funded. RAMP has started doing other things and watersheds are one of them. NRCS continues to play a major role in watersheds, flood plains, etc. We are trying to incorporate some AML activities into watershed work. That is probably the best approach we're going to have right now.

In the spring of 2003, with the excessive amounts of rain, there were slides and other mass movement events that we looked at, and at least one of them was in an area that had been mined. The people affected by these events had already contacted FEMA. RAMP came up with a design and cost estimate that FEMA approved. FEMA wanted our information because we have the technical expertise and they have the money. They were happy and the people were happy. I fear, however, in a year or two we won't have the technical expertise. RAMP continues to try to support the AML Program.

Committee members, that aren't directly connected with the AML Program, offered their support and ask if they could contact individuals by letter, etc. from a legislative standpoint regarding the extension.

Other Business

The next AML Advisory Committee meeting will be held in April 2004.

Meeting was adjourned.

Roger L. Williams,
DMME Abandoned Mine Land Services Manager